

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ECI SOFTWARE SOLUTIONS, INC.,**  
*Plaintiff,*

**v.**

**JOHN PLYLER PLUMBING AND  
HARDWARE, INC.; OLSHAN LUMBER  
COMPANY; and PROSPERITY  
COMPUTER SOLUTIONS, LLC, WADE  
FRAZIER, GREG MATATALL, and ED  
BALDRIDGE,**

*Defendants.*

**Civil Action No.: 3:18-cv-02758-S**

**PROSPERITY COMPUTER SOLUTIONS, LLC’S MOTION FOR ORDER REQUIRING  
PRE-DISCOVERY IDENTIFICATION OF TRADE SECRETS**

Prosperity Computer Solutions, LLC (“Prosperity”), Wade Frazier (“Frazier”), Greg Matatall (“Matatall”) and Ed Baldridge (“Baldridge”) (collectively, “Movants”) file this Motion for Order Requiring Pre-Discovery Identification of Trade Secrets as follows:

1. Movants seek an order that requires Plaintiff ECI Software Solutions, LLC (“ECI”) to identify, with reasonable particularity, the alleged trade secrets they claim Movants misappropriated in this lawsuit before any Movant is obligated to produce responsive documents to 766 requests for production and before any depositions of Movants in this case.

2. On May 28, 2019, ECI answered Movant’s interrogatories asking ECI to identify the trade secrets in this lawsuit, and while ECI identified some trade secrets categories it failed to do so with respect to many other categories. Thus, the Movants seek an order requiring ECI to provide a list that:

a. identifies each alleged trade secret that each Movant allegedly misappropriated;

- b. separately breaks out each of the individual alleged trade secrets that ECI claims Defendants have misappropriated;
- c. identifies all such trade secrets with sufficient particularity so that the reader understands how each such trade secret differs from public domain information; and
- d. to the extent that one Movant is accused of misappropriating information different from the others, include a list of which trade secrets each Defendant allegedly misappropriated.

3. The relief requested in this Motion is:

- a. consistent with the Court's inherent powers under Federal Rules of Civil Procedure 26(c)(2)(L) and case law among federal courts, including the Northern District of Texas;
- b. will give the Court and the Movants fair notice of the specific trade secrets at issue in this lawsuit; and
- c. will allow the Court and the Movants to set an appropriate discovery scope;
- d. will avoid fishing expeditions that result in ECI simply morphing its claims to fit whatever found an unbridled discovery thereby prolonging litigation.

3. For these reasons and those detailed in the Movants' Brief in Support of Motion for Order Requiring Pre-Discovery Identification of Trade Secrets filed concurrently herewith, the Movants request that the Court order ECI to provide a reasonably particular identification of each alleged trade secrets each Movant is accused of misappropriating within ten (10) days of the date of an order granting this motion and prior to any Defendant being required to produce documents responsive to any discovery based on ECI's claims for trade secret misappropriation and before Defendants are required to provide their deposition testimony in this case.

Respectfully submitted,

By: 

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**ATTORNEYS FOR PROSPERITY  
COMPUTER SOLUTIONS, LLC, WADE  
FRAZIER, ED BALDRIDGE, and GREG  
MATATALL**

**CERTIFICATE OF CONFERENCE**

On May 30, 2019, Elisaveta Dolghih, counsel for Movants, conferred with ECI's counsel regarding this Motion via email. The parties were not able to work out their differences on this Motion, thus ECI is listed as opposed.

/s/ Elisaveta Dolghih

Elisaveta Dolghih

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing instrument has been sent to all counsel of record in accordance with the Federal Rules of Civil Procedure on this the 30th of May, 2019.

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**ATTORNEYS FOR PLAINTIFF  
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/s/ Elisaveta Dolghih  
Elisaveta Dolghih